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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,516	03/04/2002	Hideto Aikawa	218108US2PCT	9767
22850	7590	08/09/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			MEEK, JACOB M	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/069,516	Applicant(s) AIKAWA ET AL.	
	Examiner Jacob Meek	Art Unit 2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 16 is/are rejected.
- 7) ☒ Claim(s) 2 - 15, and 17, 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/02, 2/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atarius et al (US-6,873,648).

With regard to claim 1, Atarius discloses a timing correcting device comprising; a path detecting unit (see figure 2B, 280), which detects a plurality of path candidates to be tracked from a reception signal (see column 5, lines 55 – 64 where this is interpreted as equivalent), and outputting a path timing and a detection correlation value corresponding to each path candidate as a result (see figure 3, and column 5, line 65 – column 6, line 5 where this is interpreted as equivalent); a plurality of decision reference generating units that are individually allocated with a result of detection which generate a predetermined decision standard that is necessary for selecting an optimum path timing from among the timings of path candidates, based on the allocated information (see column 6, lines 23 – 52 where this is interpreted as equivalent); an optimum path selecting unit which selects an optimum path timing from among the timings of path candidates, based on result of detection and predetermined decision standard (see column 6, lines 15 –22); a phase difference calculating unit which compares a predetermined reception reference timing given from outside with optimum path timing, and calculates a phase difference between the two timings (see column 5, lines 55 – 64 where this is interpreted as equivalent); and a timing correcting unit which

corrects the reception reference timing by controlling a clock based on the phase difference (see column6, lines 45 – 52). Atarius does not describe his system in terms of individual functional blocks. Atarius describes his invention holistically, inclusive of the individual functional blocks of applicant, and therefore would have been obvious to one of ordinary skill in the art to name the functional blocks individually.

With regard to claim 16, the steps claimed as method are nothing more than a restatement of the functions of the apparatus of claim 1, and therefore would have been obvious given the aforementioned rejection of claim 1.

#### ***Allowable Subject Matter***

2. Claims 2 – 15, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Other Cited Prior Art***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishii (US-6,047,019), Hayata (US2002/0003791), Basso (US-6,345,078), Fukada (US2002/0176487), Ohshima (US-6,590,888), and Oshuge (US-6,768,729 and 6,795,422) all disclose variations of timing correction involving path detection that appear germane to applicant's area of invention.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Meek whose telephone number is (571)272-3013. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMM  
8/5/05



JAY K. PATEL  
SUPERVISORY PATENT EXAMINER